

Remarks and Arguments

Claims 1-7 are pending in this application. No claims have been cancelled, amended, or added.

Claims 1-5 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,716,386 to Saito et al. ("Saito"). Additionally, claim 6 has been rejected under 35 U.S.C. § 103 as being unpatentable over Saito. The Examiner alleges that Saito discloses a "one-stage method of compression molding charges of polyethylene terephthalate." Applicants respectfully traverse these rejections.

Saito is directed to a bottle having substantially no strain due to fluidized orientation in the bottom. (*Saito* at abstract.) Saito discloses that it is desired to form a bottle by biaxially stretching a preform formed by compression molding. (*Id.* at col. 2, ll. 37-40.) The compression molding is a one-stage process, where molten thermoplastic resin is extruded and cut into a mass of melt having a predetermined amount. (*Id.* at col. 3, ll. 3-4.) Any kind of plastic material can be used provided it is capable of being stretch blow-molded and thermally crystallized. (*Id.* at col. 6, ll. 45-47.) The apparatus comprises an extruder device 10 for melting and kneading the resin. (*Id.* at col. 11, ll. 8-9.) A vacuum hopper holds the powder or pellets of thermoplastic resin in the dry state and feeds the pellets to the extruder. (*Id.* at col. 11, ll. 9-13.) The Examples describe the compression molding process using a commercially available polyethylene terephthalate resin. (*Id.* at col. 16, ll. 36-38.)

Sole independent claim 1 is directed to a method of producing a preform for blow molding containers by producing polyester polymer by melt phase polymerization, and compression molding preforms of the polyester without solidifying the polyester polymer prior to compression molding. The specification discloses the advantage of avoiding the use of solid polymer to eliminate these conventional intermediate steps of solidifying the polymer in the form of pellets, and shipping the pellets to the preform manufacturer who then remelts the polymer. (Specification at p. 1, ll. 14-16.) Because the preforms are formed directly from the polymerized polymer in melt phase, the intrinsic viscosity can be low, e.g., 0.65 or less, which is useful for blow molding containers for low pressure and low temperature applications. (*Id.* at p. 1, ll. 17-20.)

In contrast to the claimed invention, Saito describes a conventional compression molding process where a commercially available resin in the form of solid pellets or powder is melted and then extruded. Nowhere does Saito describe producing the polyester polymer by melt phase polymerization followed by a compression molding step without solidifying the polyester polymer prior to compression molding, as recited in independent claim 1.

Because Saito uses thermoplastic powder or resin in the compression molding process, Saito fails to disclose producing the polymer by polymerization and compression molding without solidifying the polyester. Moreover, by describing the use of a solid resin, Saito teaches away from the claimed invention. Thus, Saito neither anticipates nor renders obvious the claims.

Accordingly, Applicants respectfully request withdrawal of these rejections.

RECONSIDERATION

It is believed that all claims of the present application are now in condition for allowance.

Reconsideration of this application is respectfully requested. If the Examiner believes that a teleconference would expedite prosecution of the present application the Examiner is invited to call the Applicant's undersigned attorney at the Examiner's earliest convenience.

Any amendments or cancellation or submissions with respect to the claims herein is made without prejudice and is not an admission that said canceled or amended or otherwise affected subject matter is not patentable. Applicant reserves the right to pursue canceled or amended subject matter in one or more continuation, divisional or continuation-in-part applications.

To the extent that Applicant has not addressed one or more assertions of the Examiner because the foregoing response is sufficient, this is not an admission by Applicant as to the accuracy of such assertions.

Please grant any extensions of time required to enter this response and charge any fees in addition to fees submitted herewith that may be required to enter/allow this response and any accompanying papers to our deposit account 02-3038 and credit any overpayments thereto.

Respectfully submitted,

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